

1553rd meeting, 9-11 March 2026 (DH)

H46-8 L.B. group (Application No. 22831/08) and W.D. (Application No. 73548/13) v. Belgium

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1553/H46-8

Decisions

The Deputies

1. recalled that this group concerns the prolonged detention of internees in prison psychiatric wings without sufficient and adapted therapeutic support, which also affects the effectiveness of the preventive remedy, due to a lack of suitable places in the external care network and of qualified staff in the prisons;

As regards individual measures

2. urged the authorities to provide the applicants who are back in prison (*De Smedt* (case *Smits and Others*) and *B.D.*) with the care required by their state of health, pending their transfer to a suitable care facility, and to keep the Committee informed in this regard within three months; also invited them to keep the Committee informed of the situation of the applicants for whom a return to prison remains possible;

As regards general measures

3. deplored the fact that the structural problem, found by the Court since 2012, persists and even appears to have worsened, given the increase in the number of internees in a penitentiary environment (almost 1,100), many of whom do not receive appropriate care, and this despite the adoption of the Committee's Interim resolution in December 2024;

4. in this very worrying context, welcomed the authorities' use of the Execution Coordinators Network to gather good practices from other States and their constructive exchanges with the Department for the Execution of Judgments in Brussels in December 2025; encouraged them to continue this dialogue and increase their efforts to find rapidly sustainable solutions to Belgium's structural problem of internment;

5. in this regard, noted with interest the continued efforts of the authorities, including the completion of a study on the reasons for the increase in internment measures, the creation in 2025 of a new Internment Task Force, the ongoing review of the legislation, the reinforcement of a Secure Clinical Observation Centre, and a slight increase in prison healthcare staff since the Committee's last examination;

6. however, in view of the very worrying situation, urged the authorities to increase as quickly as possible and to a sufficient extent the capacity of the external care network for internees, to reinforce the provision of outpatient care and the awareness-raising and training of magistrates, lawyers and forensic psychiatric experts and to improve rapidly mental health care in prisons; also encouraged them to improve their data collection and monitoring of the situation of internees, to redefine the legal criteria for internment more precisely, to strengthen mobile teams and cooperation with federated entities, and to make progress in transferring prison healthcare to the public health system;

7. with regard to the compensatory remedy, recalled that the Committee has already considered it satisfactory in light of the Court's case-law and noted with satisfaction that, since June 2025, the Brussels Court of Appeal has been awarding even higher compensation to internees (25 euros per day of detention contrary to Article 5);
8. while noting with interest the increased use of the interim remedy by internees, remained concerned about its effectiveness in practice, given the continuing increase in the number of internees in prison, the lack of places outside prison and the resulting long waiting lists; therefore, invited once again the authorities to consider concrete measures to strengthen, in parallel, the effectiveness of the remedy before the social protection chambers;
9. with regard to the specific violation of Article 5 § 4 in the *B.D.* judgment (impossibility of appealing due to refusals of lawyers), noted with interest that it can no longer occur, given the legislative changes that have been adopted since the events in question, and therefore, decided to close the supervision of the execution of this judgment on this point;
10. invited the authorities to provide the Committee with updated information by June 2027 on the general measures and decided to resume its examination at one of their DH meetings in 2027.